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**Worldwide Web (WWW).** In addition to being available in the docket, an electronic copy of the final rule is also available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the final rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at the following address: <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

**Judicial Review.** The NESHAP for asphalt processing and asphalt roofing manufacturing was proposed on November 21, 2001 (66 FR 58610). Under section 307(b)(1) of the CAA, judicial review of the NESHAP is available by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by June 30, 2003. Only those objections to the rule that were raised with reasonable specificity during the period for public comment may be raised during judicial review. Under section 307(b)(2) of the CAA, the requirements that are the subject of today's final rule may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**Background Information Document.** The EPA proposed the NESHAP for asphalt processing and asphalt roofing manufacturing on November 21, 2001 (66 FR 58610) and received 21 comment letters on the proposal. In response to the public comments, EPA adjusted the final NESHAP where appropriate. A background information document (BID) ("National Emission Standards for Hazardous Air Pollutants, Asphalt Processing and Asphalt Roofing Manufacturing, Summary of Public Comments and Responses," February 2003, EPA-453/R-03-005) containing EPA's responses to each public

comment is available in Docket No. OAR-2002-0035.

**Outline.** The information presented in the preamble is organized as follows:

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  - I. National Technology Transfer Advancement Act
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## I. Background

### A. What Is the Statutory Authority for the Final NESHAP?

Section 112 of the CAA requires us to list categories and subcategories of

major sources and area sources of HAP emissions and to establish NESHAP for the listed source categories and subcategories. A major source of HAP is any stationary source or group of stationary sources within a contiguous area under common control that emits or has the potential to emit, considering controls, in the aggregate, 9.1 Mg/yr (10 tons per year (tpy)) or more of any single HAP or 22.7 Mg/yr (25 tpy) or more of any combination of HAP. Based on the emissions data collected for this rulemaking, asphalt processing and asphalt roofing manufacturing facilities have the potential to be major sources of HAP.

The EPA listed asphalt processing and asphalt roofing manufacturing categories of major sources as separate source categories on July 16, 1992 (57 FR 31576). However, because these processes are closely related and are often collocated, we are regulating emissions from both source categories under a single NESHAP.

### B. What Criteria Were Used in the Development of NESHAP?

Section 112(c)(2) of the CAA requires that we establish NESHAP for control of HAP from both existing and new major sources, based upon the criteria set out in section 112(d). The CAA requires the NESHAP to reflect the maximum degree of reduction in emissions of HAP that is achievable, taking into consideration the cost of achieving the emission reduction, any non-air quality health and environmental impacts, and energy requirements. This level of control is commonly referred to as the MACT.

The minimum control level allowed for NESHAP (the minimum level of stringency for MACT) is the so-called "MACT floor," as defined under section 112(d)(3) of the CAA. The MACT floor for existing sources is the emission limitation achieved by the average of the best-performing 12 percent of existing sources for categories and subcategories with 30 or more sources, or the average of the best-performing five sources for categories or subcategories with fewer than 30 sources. For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source.

In developing the final NESHAP, we considered control options that are more stringent than the MACT floor (so-called beyond-the-floor control options), taking into consideration the cost of achieving the emission reductions, and any non-air quality health and environmental impacts, and energy requirements.

In the final rule, the EPA is promulgating standards for both existing